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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 FRANK LAPENA,
13 Plaintiff,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE
16 DEPARTMENT, a government entity;
17 CLARK COUNTY, a political subdivision of
18 the State of Nevada and Government Entity;
19 CHARLES LEE, an Individual and Police
20 Officer and District Attorney Investigator; the
21 Estate of CHARLES LEE; BEECHER
22 AVANTS, an Individual and Police Officer
23 and District Attorney Investigator; the Estate
24 of BEECHER AVANTS; MICHELE
25 WHITNEY, an Individual and Police Officer;
O.R. "Ray" LYONS, an Individual and Police
Officer; JERRY KELLER, an Individual and
Sheriff, in his individual and official
capacities; CLARK COUNTY DISTRICT
ATTORNEY'S OFFICE, a Governmental
unit and Individual; DAVID SCHWARTZ,
an Individual and Prosecutor; MELVYN
HARMON, an Individual and Prosecutor; the
Estate of MELVYN HARMON; CLARK
PETERSON, an Individual and Prosecutor;
PAMELA WECKERLY, an Individual and
Prosecutor; MARC DIGIACOMO, an
Individual and Prosecutor; BOB MILLER, an
Individual and District Attorney; STEWART
BELL, an Individual and District Attorney;
DAVID ROGER an Individual, Prosecutor
and District Attorney; STEVE WOLFSON,
an Individual and District Attorney; and
JOHN and JANE DOES I thru X, individuals,

26 Defendants.

27 Case Number: 2:21-cv-02170-JCM-NJK

28 **STIPULATION AND ORDER TO**
WITHDRAW MOTIONS
(ECF NOS. 8 & 21)

MARQUIS AURBACH

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1 The Parties, by and through their counsel of record, hereby stipulate and agree as
2 follows:

3 **PROCEDURAL HISTORY**

4 1. On November 2, 2021, Plaintiff commenced this action against the
5 Defendants in the Eighth Judicial District Court of the County of Clark, State of Nevada.
6 (ECF No. 1.)

7 2. On December 9, 2021, Defendants Las Vegas Metropolitan Police
8 Department (“LVMPD”), Michele Whitney and Jerry Keller (“LVMPD Defendants”),
9 removed this case to the United States District Court, District of Nevada (ECF No. 1).

10 3. On December 14, 2021, Defendants Clark County, Clark County District
11 Attorneys Office, Stewart Bell, David Roger, Steve Wolfson, Pamela Weckerly, Mark
12 DiGiacomo, David Schwartz, and Clark Peterson (“Clark County Defendants”), filed a
13 Notice of Consent for Removal to federal court. (ECF No. 5).

14 4. On December 16, 2021, the Clark County Defendants filed their Answer to
15 Plaintiff’s Complaint. (ECF No. 6).

16 5. On December 16, 2021, the Clark County Defendants filed a Motion for
17 Partial Judgment on the Pleadings. (ECF No. 8)

18 6. On December 22, 2021, the LVMPD Defendants filed an Answer to
19 Plaintiff’s Complaint. (ECF No. 20)

20 7. On December 22, 2021, the LVMPD Defendants filed a Motion for Partial
21 Dismissal. (ECF No. 21)

22 8. On January 3, 2022, Defendant Bob Miller joined the Clark County
23 Defendants as a defendant and filed his Notice of Consent for Removal and Joinder to the
24 Motion for Partial Judgment on the Pleadings. (ECF Nos. 22 and 23)

25 9. On January 5, 2022, Plaintiff filed his First Amended Complaint (“FAC”),
26 with exhibits. (ECF No. 24)

1 **STIPULATION AND ORDER**

2 Based upon the above procedural history, the parties hereby STIPULATE TO THE
3 FOLLOWING:

4 1. The Clark County Defendants' Motion for Partial Judgment (ECF No. 8) is
5 **MOOT.**

6 2. The LVMPD Defendants Motion for Partial Dismissal (ECF No. 21) is
7 **MOOT.**

8 3. The Parties hereby stipulate and agree that the Clark County Defendants and
9 LVMPD Defendants shall have until February 1, 2022, to file responsive pleadings to
10 Plaintiff's First Amended Complaint (ECF No. 24).

11 IT IS SO STIPULATED this 18th day of January, 2022.

12 MARQUIS AURBACH

13 OLSON CANNON GORMLEY &
14 STOBERSKI

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23 THE LAW OFFICE OF KRISTINA
24 WILDEVELD & ASSOCIATES

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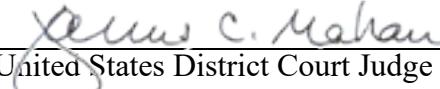
29 **ORDER**

30 IT IS SO ORDERED , that the Clark County
31 Defendants' Motion for Partial Judgment (ECF No. 8) and the LVMPD Defendants' Motion
32 for Partial Dismissal (ECF No. 21) are MOOT;

1 IT IS FURTHER ORDERED the Defendants' motions are withdrawn; and

2 IT IS FURTHER ORDERED the Defendants shall have until February 1, 2022, to
3 file responsive pleadings to Plaintiff's First Amended Complaint (ECF No. 24).

4 DATED January 31, 2022.

5 
6 United States District Court Judge

MARQUIS AURBACH

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